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AUTHOR	Rosser, James M.
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ABSTRACT

Factors contributing to the underrepresentation of minority groups in higher education and professional schools are discussed, along with suggestions for state postsecondary education agencies and for state legislative and executive branches in light of the Bakke decision. A 1977 Educational Testing Service study concluded that if admissions committees were forced to disregard racial factors, the numbers of minorities in law schools would be greatly reduced and that most of them would attend the least effective institutions. It is noted that underrepresentation of minorities in graduate and professional schools is linked not only to early educational experiences, but also such influences in student background as health, nutrition, family influences, and general living conditions. Suggestions to state higher education agencies include the following; disseminate accurate information about the Bakke decision to policy-makers, identify and disseminate admissions models that may help increase enrollment of underrepresented minorities at graduate and professional levels; encourage or require schools to develop their own plans to overcome underrepresentation; conduct human resources studies to identify specific community as well as aggregate state needs in critical human service areas; evaluate programs designed to increase minority participation at the undergraduate, graduate, and professional programs; and provide fiscal incentives for special programs to reach elementary/secondary schools to address early basic skills, science, and math needs. Suggestions for legislative and executive branches of state government include issuing a formal resolution or executive order reaffirming the state's commitment to affirmative action and overcoming minority underrepresentation both in educational opportunity and in providing general state services. (SW)

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JAMES M. ROSSER
Vice Chancellor
New Jersey Board of Higher Education

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Inservice Education Program (IEP)
Education Commission of the States
1860 Lincoln Street, Suite 300
Denver, Colorado 80295

SHEEO

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AFTER BAKKE: THE ROLE OF THE STATES

The decision handed down by the United States Supreme Court in the case of Allan Bakke has virtually ended the seemingly endless period of legal inquiry into the question of whether race could be considered a factor in the admissions policies of institutions of higher education.

The decision itself is regarded by some as a genuine invitation to institutions of higher learning to devise "good faith" experiments that will ensure the inclusion of minorities. They view it as a good and hopeful sign, based perhaps on their own personal predilections of what is right, their own experiences with the positive attempts made by certain institutions, and on their understanding of what the Court could have done but did not do.

To others the decision is, at best, the mere granting of permission to institutions to do whatever they like. Their attitude, I suspect, is founded in their very real understanding of what occurs when nothing is required. Perhaps they have every right to be skeptical; for many promises have been made and, although many have been kept, opportunities for most minorities still are very limited.

This is not to say that no gains have been made. Indeed, we have made great forward strides in opening

the gates of opportunity. In 1940 only 7.4% of the black population, for example, completed high school; today 75.3% graduate. The numbers of black persons who take part in postsecondary education also has increased enormously; from less than 50,000 in 1940 to over 1,062,000 in 1976. But interestingly, only 2% of all practicing doctors and just over 1% of all practicing lawyers are black, and blacks continue to be seriously underrepresented in our graduate and professional schools.

A recent study conducted by the Educational Testing Service for the Law School Admissions Council[1] concluded that if admissions committees were forced to disregard racial factors in making admissions decisions, the numbers of minorities in law schools would be greatly reduced and that most of them would attend the least effective institutions.

The study divided the law schools into three categories of selectivity based on applicants' mean LSAT scores and academic records. It found that in the most selective law schools (the top 10%), 10 blacks and 11 Chicanos would have been accepted; in the moderately selective schools, 185 blacks and 118 Chicanos; and in the least

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[1]"Supreme Court Case Sparks Admissions Bias Controversy," ETS Development, Volume XXIV, Number 3, ed. Mary Churchill, (Educational Testing Service, Princeton, New Jersey, 1977), pp. 1-2.

selective, 515 blacks and 171 Chicanos. Medical schools and other graduate professional institutions have drawn similar conclusions.

A partial answer to why blacks and other minorities remain underrepresented in our graduate and professional schools in spite of a nearly five-fold increase since the early 60s may lie in the reality that, unfortunately for the majority of the disadvantaged, access has meant little more than the generalized ability to enroll somewhere. We all know that institutions of higher education are not equal or equivalent in resources or quality of offerings and we all know that a student's future may depend as much on where he attends as whether he attends. The painful fact is that most low-income and minority students attend two-year and non-selective four-year colleges.

The Bakke decision relates to graduate school admissions. But it would seem that the underrepresentation of minorities in graduate and professional schools has as much, if not more, to do with early educational experiences. A study conducted by James Henson and Alexander Astin has lead to the conclusion that significant numbers of minority freshmen and graduate students are lost by low participation rates in high school and at college

entry." An increase of 56.8 percent in black freshman enrollment would be realized if blacks attended high school and college in the same proportions as whites. This increase could eventually increase the number of blacks earning B.A. degrees each year by 77,398 students (75.7 percent).

If relaxed graduate admissions standards could increase by 20 percent the proportions of blacks entering graduate school from college, the absolute increase would involve only 7,110 blacks, compared with 20,926 who would be added if black high school and college participation were comparable to that of whites.

In short, increasing the participation of blacks at lower educational levels appears to offer substantially greater potential for eventually increasing the representation of blacks in graduate and professional schools than do changes in graduate and professional school admissions standards."[2]

Of course, the Henson-Astin study relates only to participation itself and does not address, and not improperly so, the nature of the experience itself. It is widely known that the quality and value of the

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[2] James W. Henson and Alexander W. Astin, "The Minority Pipeline: Minorities at Different Educational Transition Points," Admitting and Assisting Students After Bakke, eds. Alexander W. Astin, Bruce Fuller, Kenneth C. Green, (San Francisco, Jossey-Bass Inc., 1978) pp. 41-70.

educational experience at all levels, including elementary, and secondary has declined over the years. The results of the recently conducted Basic Skills Assessment Program in New Jersey, for example, are not encouraging. They show severe deficiencies in the basic skills of first time freshmen admitted to the public institutions in that State. They also show that the problem is widespread and cuts across all socioeconomic levels but, as you would expect, students from urban high schools are the least well prepared.

Quality of teaching and that of any given school are but two elements in the education of any individual. Each of us knows that learning is related to other very important influences such as health, nutrition, family influences, and general living conditions. And when we examine the situation of blacks in this country--whom I use as examples because the information about them is more reliable than that about other minority groups--the prospect is discouraging, indeed.

"In terms of jobs:

- the average earnings of black families have receded to 59% that of whites;
- the movement of blacks from lower paying into higher paying jobs has slowed considerably during the '70s;
- blacks who account for only 11% of the population in 1974, constituted 1/3 of all Americans living below the poverty level. In other words, four

out of 10 black children were being raised in poverty that year, while only one out of 10 white children could be classified as poor. And I suspect it has not changed since then;

- opportunities for blacks are limited by occupational segregation, de facto job ceilings, lack of seniority, and various structural problems;
- the unemployment rate of black youth was 39% in November, 1977 and government and industry does not seem ready to respond.

In terms of housing:

- 3/5 of all blacks live in the decaying, inadequate centers of cities;
- the practice of "redlining" continues to cause the further deterioration of black neighborhoods;
- 80% of all American families live in segregated neighborhoods."

Not a very sanguine assessment, but one that supports my perceptions which are, in turn, reinforced nearly every day as I read the newspaper. Indeed, I think we must accept that we have very far to go, and that we will find the way hard and fraught with many obstacles. For the Bakke decision, as important as it is, is but one

part of the solution to a problem whose facets are myriad. Nevertheless, the Court's rejection of the doctrine of complete racial neutrality has shifted the issue back from the legal arena to the policy arena and thus makes it possible, indeed incumbent upon us, to concentrate on the central social issues and the social and economic problems that attend them still before us in the latter part of this decade: the under-representation of minorities, not just in higher education, but in responsible positions in American society as well.

While education may well be a primary state responsibility, that responsibility goes considerably beyond education as such and lies in assuring its citizens access to critical human services such as health, legal assistance, and adequate housing. It is the public's need for these services that has provided the primary rationale and impetus for the expansion and public support of graduate and professional programs.

Even so, progress in improving access of the traditionally under-served communities to human services has been even slower than progress in equalizing access to graduate and professional programs. And yet the problems of mal-distribution of human services continues unchecked in rural and inner-city areas. Pat Callan, from California, has pointed out that "our most fundamental and urgent problem is equity in the distribution of human services, not

equalizing the professional pathways to affluence, or even, as the Bakke decision implies, diversification of our student bodies" as desirable as these may also be. Clearly then, among our most critical public and institutional mandate is the creation of a policy framework that emphasizes societal needs, and supports the education of those individuals most likely to contribute to meeting them.

Toward that end, among our central state and national objectives should be full and equitable representation of minorities in professional and graduate programs and in the professions themselves. If this goal of American society is to be reached it must be addressed by institutions, the states, and the federal government working collaboratively. It cannot be achieved by one sector alone. To be sure, the focus of many educational decisions -- including admissions decisions -- is and should be at the institutional level, but the context in which such decisions are made includes the states and the nation.

Constitutionally and historically, the primary legal and financial responsibility for meeting the educational needs of citizens rests with the states, the state in this sense to include executive and legislative branches of state government and state higher or postsecondary education agencies.

It is critical now to develop an effective post-Bakke agenda designed to overcome underrepresentation directed toward three goals.

The first is recapturing the initiative for renewed commitment for new efforts within the guideposts established by the court--overcoming the psychological effects of the Bakke case which for a time cast a shadow or placed under question all affirmative action programs.

The second is developing strategies that take into account the complexities of the educational, political and fiscal environment of the 80s--complexities which could unintentionally undermine rather than strengthen initiatives towards overcoming underrepresentation.

(See card)

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Tax limitations -- Proposition 13

Limited fiscal resources, accountability and reallocation of resources.

Enrollment changes and decline and competition for students.

Basic Skills

The third is the establishment by the State of a framework and conditions conducive to the development and maintenance of effective programs at the institutions.

In pursuit of these goals certain specific activities can be undertaken:

For state higher or postsecondary education agencies:

a. Disseminate accurate information about the Bakke decision to policy makers.

b. Identify and disseminate admissions models which have succeeded or give promise of succeeding in increasing enrollment of underrepresented minorities at graduate and professional levels within the Bakke guidelines.

c. Encourage or require institutions to develop their own plans for overcoming underrepresentation.

d. Conduct human resources studies that identify specific community as well as aggregate state needs in critical human service areas.

e. Explore institutional and other factors that help determine student's decisions in relation to location or practice or professional involvement.

f. Monitor more effectively progress in increasing minority representation in graduate and professional schools.

g. Provide more adequate evaluation of programs designed to increase the number of eligible minority students by increasing their representation at the under-graduate level and in appropriate programs--student aid, basic skills, outreach, information, counseling, etc.

h. Use the goal of overcoming underrepresentation as a critical factor in program and budget review to assure that decisions particularly in relation to retrenchment are sensitive to the critical importance of adequate support for effective programs.

i. Sponsor and provide fiscal incentives for special programs which reach into the elementary/secondary schools as a means of addressing early basic skills, science, and math needs.

j. If necessary, realign priorities to insure that overcoming underrepresentation remains or becomes a central and explicit goal in statewide planning and its implementation.

k. Improve articulation with and encourage better support of the traditionally black colleges.

For legislative and executive branches of state government:

a. Through formal resolution and/or executive order reaffirmation of the state's commitment to affirmative action and overcoming underrepresentation both in educational opportunity and in providing general state services.

b. Request through the state higher education agency or directly from institutions progress reports from each institution on attainment of affirmative action goals. These reports should include:

(1) Analysis of student composition with special emphasis on graduate and professional programs. This analysis should also include retention

rates, program distribution of graduating high school students in the state.

(2) Evidence that admissions policies take into account human services needs of underserved communities and that efforts are being made to seek out qualified students most likely to address these needs.

(3) Evidence that particular admissions criteria are sensitive to unmet human services needs.

c. Assign, in the budgetary review, recommendation and appropriations process, high-priority to programs addressing the issues of underrepresentation and affirmative action.

d. Encourage college and university involvement in early outreach programs to prepare minority students for college work.

(Possibility of establishing sanctions for non-compliance.)

e. Require that overall state planning for elementary/secondary and postsecondary education address the issue of underrepresentation and include strategies for overcoming it.

Educators and public officials in this country are on the brink of many important choices. I trust that they will choose wisely and will use the Bakke decision as a means of

reviving affirmative action initiatives and as a means of making further progress toward overcoming the problem of underrepresentation.

To quote from Justice Powell, "only under such circumstances will the states' legitimate and substantial interest in ameliorating or eliminating the disabling effects of identified discrimination" be realized.